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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,503	06/26/2003	Jeyhan Karaoguz	14046US02	5221
23446 7590 11/16/2010 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
WONG, BLANCHE				
ART UNIT		PAPER NUMBER		
2476				
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11/16/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,503

Applicant(s)

KARAOGUZ ET AL.

Examiner

BLANCHE WONG

Art Unit

2476

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 26, 2010 have been fully considered but they are not persuasive.

Initially, Applicant states that the Office Action is inconsistent in specifying "at least one of a plurality of access points" because Examiner equated to any of the address servers 44, 45, 46 or 47; and "the 'receiving' limitation seems to use address server 45, and the 'requesting' limitation seems to use address server 47". Remark, p.17. First, Examiner would like to point out that although the preamble recites a hybrid wired/wireless local area network, the access points do not have to relate to a wired LAN or a wireless LAN. Broad interpretation lends a point of contact where it is accessible. Address servers meet that requirement. Examiner suggests including the hybrid LAN in the body of the claim and clarifying access points. Second, in para. 70, both address servers 44 and 45 receives a query and interrogates further. Examiner will clarify prior art support.

Additionally, Applicant states that "an 'access point' is a specific term of art, and Focsaneanu's servers 44-47 are simply storage servers, with the ability to connect one or more devices to a network". Remark, p.18. Again, Examiner would like to point out that although the preamble recites a hybrid wired/wireless local area network, the access points do not have to relate to a wired LAN or a wireless LAN. Broad

interpretation lends a point of contact where it is accessible. Address servers meet that requirement. Examiner suggests including the hybrid LAN in the body of the claim and clarifying access points. Moreover, it is unclear from the claim language that these are access points of a hybrid LAN and/or the access point has the ability to connect one or more devices to a network [within a hybrid LAN] without reading the Specification into the claims. Examiner also suggests including some functional difference(s) to differentiate a hybrid LAN from a LAN.

2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the ability to connect one or more devices to a network [within a hybrid LAN]) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Focsaneanu (US 2004/0034705).

With regard to claims 1,7,13,19,23, Focsaneanu discloses

broadcasting ("**interrogates the other address servers**", para. [0070]) (See **Also "55 Queries All AS's [address servers]" in Fig. 5**) at least one discovery message ("**query signal**", para. [0070]) to at least one of a plurality of access points (e.g. address server 45) (address servers 44,45,46,47 in Fig. 4A and 5, para. [0061]) ("**The address server is also provided with network communication capabilities**", para. [0063]);

receiving a response ("**query response signal**", para. [0070]) from said at least one of a plurality of access points (**address server 45**), said response reporting a presence of at least one access device (e.g. user U6 in Fig. 4A and 5)("If address server 45 finds UID6 [user U6] in memory 44', it responds to the query", para. [0070]) located within a coverage area of said at least one of a plurality of access points

(responding to a query indicates a presence)(See A/so US 2004/005859, “respond to the queries to indicate its respective presence”, para. [0345] and US 2003/0226033, “a response to the broadcasting node indicating its presence in the unbounded computing space”, para. [0037]), said at least one access device (user U6) being separate and distinct from said at least one of a plurality of access points (address server 45); and

requesting from said at least one of a plurality of access points (e.g. address server 47), a status (network address indicates a “connected” status, “not connected”, “not allowed”) of said at least one access device (e.g. user U4) located within said coverage area of said at least one of a plurality of access points (e.g. if an address server have a network address of a user, the query response includes the network address. If an address server does not have a network address for user U4, the query response is “not connected”) (“However, address server 47 does not have a network address for user since device is not connected to the network. Address server responds to the query by sending a “not connected” message”, para. [0071]) (See A/so “not allowed” , para. [0075]).

With regard to claims 2,8,14,20,24, Focsaneanu further discloses said requesting comprises sending at least one status request message (“**query signal**”, para. [0070]).

With regard to claims 3,9,15,21,25, Focsaneanu further discloses said receiving at least one status reply message (“**query response signal**”, para. [0070]).

With regard to claims 4,10,16,22, Focsaneanu further discloses a messaging protocol message (**query**).

With regard to claims 5,11,17, Focsaneanu further discloses broadcasting from a server (**e.g. address server 44**).

With regard to claims 6,12,18, Focsaneanu further discloses broadcasting to one or more of said plurality of access points ("**interrogates the other address servers**", para. [0070]) (**See Also "55 Queries All AS's [address servers]" in Fig. 5**) (**no previous subnetwork is claimed, therefore, one or more of these address servers can be located in one or more respective subnetwork(s)**).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BLANCHE WONG** whose telephone number is (571)272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/
Examiner, Art Unit 2476
November 8, 2010

/Salman Ahmed/
Primary Examiner, Art Unit 2476